

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RAYMOND BRATTON,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Case No. 4:10CV1387 CDP

MEMORANDUM AND ORDER


Plaintiff Raymond Bratton, proceeding pro se, filed this action under 42 U.S.C. § 405(g) for judicial review of the Commissioner's final decision denying his application for supplemental security income benefits under Title XVI of the Social Security Act, 42 U.S.C. §§ 1381 *et seq.* A Case Management Order was later entered in the case, requiring Bratton to file a brief in support of his complaint within thirty (30) days after the Commissioner's service of an answer and the administrative transcript. The Commissioner's answer and the administrative transcript were filed on October 12, 2010, but Bratton failed to file his brief in support of his complaint.

Accordingly, on December 7, 2010, I ordered Bratton to file his brief in support of his complaint and to show cause why I should not dismiss this case for his failure to prosecute. Bratton was to comply with that Order by January 7,

2011. That day has come and passed, however, and Bratton has not filed anything in response to my Order. “A district court may, in its discretion, dismiss an action pursuant to Fed. R. Civ. P. 41(b) if the plaintiff fails to prosecute or to comply with . . . a court order.” *Smith v. Gold Dust Casino*, 526 F.3d 402, 404 (8th Cir. 2008) (internal quotation marks and citation omitted); *see also Skeleton v. Henry*, 390 F.3d 614, 619 (8th Cir. 2004) (affirming dismissal of a claim because of plaintiff’s failure to prosecute when plaintiff failed to file a dispositive motion after being ordered to do so). Because Bratton has failed to comply with my Orders and has failed to prosecute this case,

IT IS HEREBY ORDERED that plaintiff Raymond Bratton’s complaint is dismissed without prejudice.

A separate Judgment will be entered this same date.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 18th day of January, 2011.